

1 THE HONORABLE RONALD B. LEIGHTON
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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

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9 EYVETTE WELLS,
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Plaintiff,

v.

12 McFARLAND CASCADE POLE &
13 LUMBER COMPANY, a Washington
14 corporation,

Defendant.

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No. CV-05-5730RBL

ORDER GRANTING DEFENDANT'S
MOTION TO COMPEL DISCOVERY
AND FOR SANCTIONS

THIS MATTER CAME BEFORE THE COURT on Defendant's Motion to Compel Discovery and for Sanctions. The Court has reviewed the Motion and the papers filed in support thereof, Plaintiff's brief and supporting papers in opposition (if any), Defendant's reply brief and supporting papers (if any), and the records and files herein.

IT IS HEREBY ORDERED:

1. Defendant's Motion to Compel Discovery and for Sanctions is GRANTED.

2. Within ten (10) business days of entry of this Order, Plaintiff shall provide full and complete answers and responses to Defendant's First Set of Interrogatories and Requests for

Production as follows:

(a) Interrogatory No. 1: Plaintiff shall provide all known contact information for the individuals that Plaintiff previously identified in response to Interrogatory No. 1, who

1 never were or are no longer employed by Defendant, including Matt Van Valkenburg,
2 Andy Rosenbalm, Ron Morrison, Bob Magana, Esler Neal, Susie Sterns, Jayson Bloom,
3 and Doug Troutdale;

4 (b) Request for Production No. 1: Plaintiff shall produce executed authorizations
5 in the form provided to her by Defendant, for the release of her medical records from
6 January 1, 1996 to the present for the following medical providers: Shaozhen Li,
7 Anthony Klasser, Ron Merchant, Bridget Keller, Lawrence West, Harinder Walia, James
8 Manderay, Group Health Behavioral Health, Chiropractic Clinic, Crossroad Treatment
9 Center, Rainier Chiropractic Clinic, James Brown, Nancy Karr, Tacoma General Hospital
10 Imaging, and Medical Imaging NW, Puyallup Medical Center, an unnamed counselor,
11 and Sumner/Puyallup Foot and Ankle Clinic;

12 (c) Interrogatory No. 4 and Request for Production No. 3: Plaintiff shall identify
13 all health care providers of each of her children, for the years 2003 and 2004. For each
14 health care provider identified, Plaintiff shall produce executed authorizations in the form
15 provided to her by Defendant for the release of each of her children's medical records for
16 the years 2003 and 2004;

17 (d) Interrogatory No. 3: Plaintiff shall identify all health care providers of her
18 mother for the years 2003 and 2004, to the extent that she possesses the information.
19 Plaintiff shall also provide the Defendant with her mother's name and contact
20 information;

21 (e) Request for Production No. 4: Plaintiff shall produce all responsive
22 documents to Request for Production No. 4, including but not limited to the log or journal
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1 Plaintiff maintained at work, if applicable. If Plaintiff possesses no additional responsive
2 documents, Plaintiff shall serve Defendant with a supplemental response to that effect;

3 (f) Request for Production No. 5: Plaintiff shall produce all responsive
4 documents to Request for Production No. 5, including but not limited to Plaintiff's
5 complete tax returns and tax schedules for the years 2000-2004. If Plaintiff possesses no
6 additional responsive documents, Plaintiff shall serve Defendant with a supplemental
7 response to that effect;

8 (g) Request for Production No. 21: Plaintiff shall produce all responsive
9 documents to Request for Production No. 21. If responsive documents exist but are no
10 longer in Plaintiff's possession, Plaintiff shall (1) state what disposition was made of
11 them; (2) provide the reason for such disposition; and (3) identify all persons who she
12 believes to have possession, custody or control of the documents or any copies. If
13 Plaintiff does not know or cannot recall whether particular responsive documents exist, or
14 if such documents are missing, Plaintiff shall state the efforts made to ascertain their
15 existence. If Plaintiff possesses no additional responsive documents, Plaintiff shall serve
16 Defendant with a supplemental response to that effect;

17 (h) Request for Production Nos. 6, 11, 12, 13, and 15: Plaintiff shall supplement
18 her responses to Request for Production Nos. 6, 11, 12, 13, and 15, to the extent
19 additional responsive documents exist. If Plaintiff possesses no additional responsive
20 documents, Plaintiff shall serve Defendant with a supplemental response to that effect;

21 (i) Request for Production Nos. 20 and 32: Plaintiff shall provide full and
22 complete responses to Request for Production Nos. 20 and 32.

3. Plaintiff has waived her right to object to Defendant's propounded discovery requests by failing to serve such objections in a timely manner.

4. Plaintiff and/or her attorney shall pay to Stoel Rives LLP the sum of \$2500.00 for Defendant's attorneys fees and costs incurred because of Plaintiff's failure to provide discovery, which caused Defendant to bring its Motion to Compel Discovery. This sum shall be paid within ten (10) business days of entry of this Order.

IT IS SO ORDERED this 9th day of May, 2006.

Ronald B. Lightner

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:
STOEL RIVES LLP

/s/ Timothy J. O'Connell
Timothy J. O'Connell, WSBA #15372
Molly M. Daily, WSBA #28360
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties in the above case.

STOEL RIVES LLP

s/Timothy J. O'Connell
Timothy J. O'Connell, WSBA No.15372
Molly M. Daily, WSBA No. 28360
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Seattle, WA 98101
Telephone: (206) 624-0900
Facsimile: (206) 386-7500

1 Attorneys for Defendants
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CERTIFICATE OF SERVICE

6 I hereby certify that on April ____, 2006, I electronically filed the foregoing with the Clerk of
7 the Court using the CM/ECF system which will send notification of such filing to the parties in
the above case. We will also send copies to Plaintiff's attorney via facsimile and U.S. mail.

8
9 /s/ Molly Daily
10 Molly M. Daily, WSBA No. 28360
11 Stoel Rives LLP
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13 Seattle, WA 98101
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